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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,415	09/28/2001	Bert Leo Alfons Verdonck	NL000522	4364

7590 11/05/2002

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EXAMINER

CHURCH, CRAIG E

ART UNIT PAPER NUMBER

2882

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 7/26/02
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-10 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-10 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1, 2, 7, 9 and 10 are rejected under 35 U.S.C. § 103 as being unpatentable over Chiu (5369678). Chiu teaches acquiring a sequence of images and adjusting imaging parameters such as collimator location based on artery position in the previous image. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the Chiu invention to image more than one part either simultaneously or at different times since a patient may have more than one malady.

Claims 1-10 are rejected under 35 U.S.C. § 103 as being unpatentable over Toker (5365562). Toker teaches the common practice of acquiring a preview or scout image and then adjusting imaging parameters of subsequent images on in response to

information from the scout image. The type of organ imaged and whether the images are frontal or lateral are not patentably germane. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the Toker invention to image more than one part either simultaneously or at different times since a patient may have more than one malady.

Applicant's arguments filed July 26, 2002 have been fully considered but they are not deemed to be persuasive. While the rejection under 35 USC 112 is withdrawn, it is noted that the terms "projection line" is defined by applicant with respect to vertebrae, and claims 3 and 6 are therefor limited to imaging of vertebrae.

Applicant's belief that Chiu fails to determine the positions of anatomical subjects is completely erroneous. Chiu tracks the location of a catheter tip as it moves *through the vascular system*. The catheter tip is of no interest by itself, but rather imaging is performed in order to ascertain locations of the arteries, the tip *and the malady to be treated*, and imaging parameters such as the filter position are adjusted accordingly. The processing means argued by applicant to be missing from Chiu include computers 11 and 13.

Toker is similarly misrepresented by applicant as lines 18-40 of column 4 of Toker explain

Based on previously obtained radiographs or scout images, a general approach position is selected. Stereotactic images obtained by positioning the imaging equipment at two separate angles beneath the table are then used to determine the three

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dimensional or spatial coordinates of the suspicious lesion....In addition, because the desired image contrast and resolution can normally be determined in advance of obtaining the stereotactic views, eg based on previous radiographs or scout images, it is possible, in accordance with the present invention, to adapt the imaging system to accommodate specific imaging conditions.

The claims do not stipulate that the plurality of parts are imaged simultaneously.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication should be directed to Examiner Church at telephone number (703) 308-4861.

Craig E Church

CRAIG E. CHURCH
Senior Examiner
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